

FREQUENTLY ASKED QUESTIONS ABOUT ESTATE RECOVERY

WHAT IS TENNCARE (MEDICAID) ESTATE RECOVERY?

The State of Tennessee is required by federal and state law* to recover up to the total amount paid by TennCare (Medicaid) on behalf of individuals age 55 and older for nursing home services received prior to death.

*Estate recovery was enacted by 42 U.S.C. § 1396p, effective October 1, 1993, by T.C.A. § 71-5-116 in 1968, and by the “Old Age Assistance Act” in 1937.

WHOSE ESTATE IS SUBJECT TO TENNCARE (MEDICAID) RECOVERY?

Individuals age 55 and older who received TennCare (Medicaid) benefits for nursing home care.

HOW DO I FIND OUT IF THE ESTATE OWES MONEY TO TENNCARE (MEDICAID)?

The TennCare Reform Act of 2002 requires a release indicating that no money is owed to the Program before the estate of a TennCare (Medicaid) enrollee may be closed in probate court. TennCare (Medicaid) will provide this release if no money is owed TennCare (Medicaid) when a request for release is sent to the Estate Recovery Unit by mail or fax. The Estate Recovery Team will notify the attorney or responsible party by mail or fax if the estate is subject to estate recovery. If money is owed to TennCare (Medicaid), a claim will be filed against the estate.

ARE THERE EXCEPTIONS FROM ESTATE RECOVERY?

Yes. TennCare (Medicaid) estate recovery is delayed under the following conditions:

- the deceased has a surviving spouse, or
- the deceased has a surviving child under age 18, or
- the deceased has a surviving blind or permanently and totally disabled child.

To request an exception, send a written notice to the Estate Recovery Unit at the address below. Your letter must state the specific exception you are requesting and include documentation to support your request.

WHERE DO I OBTAIN MORE INFORMATION?

Contact: **Bureau of TennCare
Estate Recovery Unit
310 Great Circle Road
Nashville, TN 37243
Telephone: 1-866-389-8444
FAX: (615) 741-0882**

“REQUEST FOR RELEASE” forms must be received in writing, either by mail or fax.